

REMARKS

Premature Final Rejection

The pending final office action rejects claims 1, 8, 13, 18, 21, and 22 1-31 under §102(b) over U.S. Patent 5,809,433 to Thompson et al. ("Thompson"), and rejects claims 3 – 5, 9 – 12, 15 – 17, and 23 – 24 under §103(a) over Thompson. Thompson was not used to reject any of the claims in the previous office actions. As such, the rejections in the pending office action are new and different from the rejections cited in the previous office action. MPEP §706.07(a) states "second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement" submitted before the mailing of the final office action (emphasis added). Because the pending final office action presents new grounds of rejection, and because most of the rejected claims were not amended in the previous response, Applicant respectfully submits that the final office action is premature. As such, the finality of the pending office action must be withdrawn.

Should the Examiner maintain the finality of the pending office action is proper, Applicant respectfully requests the Examiner, along with his supervisor, call the undersigned to discuss the situation further.

§102 Rejections

The Examiner rejected claims 1, 8, 13, 18, 21, and 22 under §102(b) as anticipated by Thompson, where claims 1, 13, 21, and 22 are independent claims. The claimed invention requires that a hinge connect the body and flip portion of a mobile terminal, where the hinge comprises hinge plates that function as an antenna for the

mobile terminal. Each of the independent claims explicitly claim that the hinge plates function as the antenna. In particular, Claim 1 requires that the hinge comprise "hinge plates that function as an antenna for use by an electronic circuit positioned within said mobile terminal." Contrary to the Examiner's assertions, Thompson does not teach this element of claim 1.

As shown in Figures 1 and 4, Thompson teaches an antenna 107 sandwiched between a front keypad cover housing section 111 and a back keypad cover housing section 112 of the flip portion 103 of Thompson's radio telephone 100. A transmission line 517 extends into a hinge assembly 518 to connect the antenna 107 to a transceiver circuit 515 disposed in a main body portion 102 of the radio telephone 100. See Figure 4 and column 3, lines 63 – 65. While it is clear that Thompson teaches an antenna 107 that is part of the flip portion 103, nowhere does Thompson teach or suggest that the antenna 107 is part of the hinge assembly 518, much less that the antenna 107 is part of the hinge plates of the hinge assembly 518. Hinge assembly 518 simply operates as a conduit for the transmission line 517. As such, nothing in Thompson teaches or suggests a hinge comprising "hinge plates that function as an antenna for use by an electronic circuit positioned within said mobile terminal," as required by claim 1. For at least this reason, Thompson does not anticipate claim 1.

Claims 13, 21, and 22 include similar limitations. In particular, claim 13 requires "using said hinge to function as hinge plates of a hinge for a flip portion of said mobile terminal." Claim 21 requires "connecting a flip portion to a body of the mobile terminal using hinge plates of a hinge, wherein the hinge plates function as an antenna." Claim 22 requires "a hinge functioning as an auxiliary antenna connecting said flip portion to

said body.” Therefore, for substantially the same reasons, claims 13, 21, and 22 are also novel over Thompson.

Because independent claims 1 and 13 are novel, dependent claims 1 and 18 are also novel. As such, Thompson does not anticipate claims 1, 8, 13, 18, 21, and 22. Applicant respectfully requests reconsideration.

§103 Rejections

The Examiner rejected claims 3 – 5, 9 – 12, 15 – 17, and 23 – 24 under §103(a) as unpatentable over Thompson. However, claims 3 – 5 and 9 – 12 depend directly or indirectly from allowable claim 1. Further, claims 15 – 17 depend directly from allowable claim 13, while claims 23 – 24 depend directly from allowable claim 22. As such, the §103 rejections are moot in light of the above arguments. Therefore, Applicant requests reconsideration and allowance of claims 3 – 5, 9 – 12, 15 – 17, and 23 – 24.

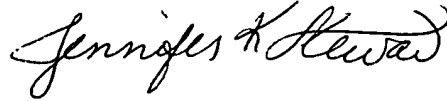
Conclusion

As discussed above, claims 1, 3 – 5, 8 – 13, 15 – 18, and 21 – 24 are patentably distinct from Thompson. Because claims 19 and 20 are allowed, and because claims 2, 6, 7, and 14 were only objected to for depending on a rejected base claim, Applicant submits that claims 1 – 24 are allowable. Therefore, Applicant respectfully requests reconsideration an allowance of claims 1 – 24. If any issues remain unresolved,

Applicant requests that the Examiner call the undersigned so that such issues may be resolved expeditiously.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

A handwritten signature in cursive script, reading "Jennifer K. Stewart".

Dated: 14 September 2004

Jennifer K. Stewart
Registration No.: 53,639

P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844